



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/989,718 | 11/21/2001 | Eric Feltin | 1487.0310000 | 9575 |

26111 7590 09/28/2005

STERNE, KESSLER, GOLDSTEIN & FOX PLLC
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

PWU, JEFFREY C

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2143

DATE MAILED: 09/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/989,718

Applicant(s)

FELTIN ET AL.

Examiner

Jeffrey C. Pwu

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/6/2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 16-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 16-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Regarding claims 1-2, 4-7, 10, 13, 17, 18-21, 30-31, and 33 the word "or " renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or "), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

3. Claim 1, 4, 6, 10 recites the limitation "other peers" . There is insufficient antecedent basis for this limitation in the claim.

4. Claim 1 recites the limitation "at least one other peer". There is insufficient antecedent basis for this limitation in the claim.

5. Claim 2 recites the limitation "that said role". There is insufficient antecedent basis for this limitation in the claim.

6. Claim 3 recites the limitation "the subject of the original request" in claim 2. There is insufficient antecedent basis for this limitation in the claim.

Art Unit: 2143

7. Claim 4 recites the limitation "the role of supervision or support" in claim 2.

There is insufficient antecedent basis for this limitation in the claim.

8. Claim 4 recites the limitation "the benefit" in claim 2. There is insufficient

antecedent basis for this limitation in the claim.

9. Claim 4 recites the limitation "the data" in claim 2. There is insufficient

antecedent basis for this limitation in the claim.

10. Claim 5 recites the limitation "further data" in claim 4. There is insufficient

antecedent basis for this limitation in the claim.

11. Regarding claims 5 and 19, the phrase "either...or" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "either....or"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

12. Claim 5 recites the limitation "already received" in claim 4. There is insufficient

antecedent basis for this limitation in the claim.

13. Claims 6-8, 13, 17 recites the limitation "the role". There is insufficient

antecedent basis for this limitation in the claim.

14. Claims 6 and 7 recites the limitations "that affect" and "that result" in claim 4.

There are insufficient antecedent basis for the limitations in the claim.

15. Claim 6 recites the limitation "other peers" in claim 4. There is insufficient antecedent basis for this limitation in the claim.

16. Claim 8 recites the limitation "that a peer" in claim 2. There is insufficient antecedent basis for this limitation in the claim.

17. Claim 8 recites the limitation "available peers" in claim 2. There is insufficient antecedent basis for this limitation in the claim.

18. Claim 8 recites the limitation "the selected peer" in claim 2. There is insufficient antecedent basis for this limitation in the claim.

19. Claims 8-9 recites the limitation "the assessment" in claim 6. There is insufficient antecedent basis for this limitation in the claim.

20. Claim 9 recites the limitation "the list of available peers" in claim 2. There is insufficient antecedent basis for this limitation in the claim.

21. Claim 8 recites the limitation "the performance of an operation" in claim 2. There is insufficient antecedent basis for this limitation in the claim.

22. Claim 10 recites the limitation "the identity" in claim 2. There is insufficient antecedent basis for this limitation in the claim.

23. Claim 10 recites the limitation "the peering relationship" in claim 2. There is insufficient antecedent basis for this limitation in the claim.

24. Claim 10 recites the limitation "the database" and "the siblings" in claim 2. There is insufficient antecedent basis for this limitation in the claim.

25. Claim 11 recites the limitation "the state of the operation" in claim 10. There is insufficient antecedent basis for this limitation in the claim.

26. Claim 11 recites the limitation "the request to all siblings" in claim 10. There is insufficient antecedent basis for this limitation in the claim.

27. Claim 12 recites the limitation "that all siblings" in claim 2. There is insufficient antecedent basis for this limitation in the claim.

28. Claim 13 recites the limitation "that related" in claim 10. There is insufficient antecedent basis for this limitation in the claim.

29. Claim 13 recites the limitation "if there is" in claim 10. There is insufficient antecedent basis for this limitation in the claim.

30. Claim 14 recites the limitation "the interfacing role" in claim 2. There is insufficient antecedent basis for this limitation in the claim.

31. Claim 14 recites the limitations "the data" and "the result" in claim 2. There is insufficient antecedent basis for these limitations in the claim.

32. Claim 16 recites the limitation "the interaction". There is insufficient antecedent basis for this limitation in the claim.

33. Claim 16 recites the limitation "other computing device". There is insufficient antecedent basis for this limitation in the claim.

34. Claim 16 recites the limitation "acting as peers". There is insufficient antecedent basis for this limitation in the claim.

35. Claim 16 recites the limitation "the supported". There is insufficient antecedent basis for this limitation in the claim.

36. Claim 17 recites the limitation "its implementation". There is insufficient antecedent basis for this limitation in the claim.

37. Claim 18 recites the limitation "the result". There is insufficient antecedent basis for this limitation in the claim.

38. Claim 19 recites the limitation "further data". There is insufficient antecedent basis for this limitation in the claim.

39. Claim 23 recites the limitation "the performance of an operation". There is insufficient antecedent basis for this limitation in the claim.

40. Claims 26, 28 recites the limitation "the result". There is insufficient antecedent basis for this limitation in the claim.

41. Claim 29 recites the limitations "the supported", "said support". There is insufficient antecedent basis for this limitation in the claim.

Art Unit: 2143

42. Claim 33 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim refers to more than one other claim shall refer to such other claims in the alternative only. See MPEP § 608.01(n). Accordingly, the claim has not been further treated on the merits.

Claim Rejections - 35 USC § 102

43. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

44. Claims 1-7, 13, 16-20, 29-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Ozzie et al. (Ozzie) *(US 6,640,241 B1).

45. Regarding claim 1, Ozzie teaches a method of operating a computing device wherein said device is adapted to perform a supervisory and/or supporting role in relation to peers in a peer-to-peer network, the method including the steps of: a. the computing device establishing contact with a plurality of peers which are to be the subject of the supervision and/or support role (Col. 17, L. 46-48); and b. providing said supervision and/or support (Col. 17, L. 58-62).

46. Regarding claim 2, Ozzie teaches a method of operating a peer-to-peer network, wherein the network includes one or more super-peers adapted to perform a supervisory and/or supporting role, the method including the steps of: a. at least one super-peer receiving notification that said role is requested (Col. 17, L. 59-62); b. the at least one super-peer establishing contact with a plurality of peers which are to be the subject of the supervision and/or support role (Col. 17, L. 46-48); and c. providing said supervision and/or support (Col. 17, L. 58-62).

47. Regarding claim 3, Ozzie teaches the method as claimed in claim 2 wherein any of steps a) to c) are assigned to and performed by a different super-peer than that which is the subject of the original request (Col. 17, L. 14-22).

48. Regarding claim 4, Ozzie teaches the method according to claim 2, wherein the role is to hold data for the benefit of one or more other peers, where the holding role includes the steps of:

- a. the super-peer receiving the data (Col. 17, L. 46-48);
- b. recording the received data (Col. 17, L. 48-50);
- c. receiving requests for the data from users of the network or a process running on the network (Col. 17, L. 62-66);
- d. retrieving data based on the request (Ozzie discloses it is inherent that the retrieving the device status notification is a step between storing this notification and sending this notification from a presence directory) (Cal. 17, L. 48-66); and

e. transmitting the result to the requesting user or process (Col. 17, L. 62-66)

49. Regarding claim 5, Ozzie teaches the method according to claim 4, wherein the step of receiving the data includes the step of:

processing the received data based on other data which was previously recorded or is received with the received data (Ozzie discloses receiving message by the relay base on the device offline status information) (Col. 17, L. 14-22).

50. Regarding claim 6, Ozzie teaches the method according to claim 4, wherein the step of receiving the data includes the step of:

where specified by the role, performing predetermined operations, including operations that affect the received data and/or that affect other data previously recorded, and/or that result in one or more transmissions to one or more other peers (Col. 17, L. 62-66).

51. Regarding claim 7, Ozzie teaches the method according to claim 4, wherein the step of receiving the request includes the step of:

where specified by the role, performing predetermined operations, including operations that affect the request and/or that affect data previously recorded, and/or that result in one or more transmissions to one or more other peers (Col. 17, L. 62-66).

52. Regarding claim 13, Ozzie teaches the method according to claim 10, wherein:

Art Unit: 2143

- a. one or more siblings incorporate functionality which includes that related to receiving data (Ozzie teaches the presence server receives the online/offline status from each of the peers) (Col. 17, L. 43-46, and L. 58-66); and
- b. siblings not receiving data incorporate functionality which includes that related to processing and/or recording the data (Ozzie teaches the relay does not receive the peer C's offline status, but it incorporates sending message that related to this device online/offline status) (Col. 17, L. 14-22).

53. Regarding claim 16, Ozzie teaches a method of operating a computing device, the device adapted to support the interaction of a plurality of other computing devices who are otherwise communicating with each other directly over a network, the method including the steps of:

- a. the computing device establishing contact with a plurality of computing devices which are to be the supported (Col. 17, L. 46-48); and
- b. providing said support (Col. 17, L. 58-62).

54. Regarding claim 17, Ozzie teaches a system for operating a computing device, the device adapted to perform a supervisory and/or supporting role for peers in a peerto-peer network, the system including:

- 1) a data storage means storing data related to the role and its implementation (Col. 17, L. 43-50); and
- 2) a data processing system coupled to said data storage means and adapted to:

- a. in accordance with the role, establish contact with a plurality of peers which are to be the subject of the supervision and/or support role (Col. 17, L. 46-48); and
- b. provide said supervision and/or support (Col. 17, L. 58-62).

55. Regarding claim 18, Ozzie teaches the system according to claim 17, wherein the role is to hold data for the benefit of one or more other peers, the system including:

a data processing system adapted to:

- a. receive the data (Col. 17, L. 46-48);
- b. record the received data (Col. 17, L. 48-50);
- c. receive requests for the data from users of the network or a process running on the network (Col. 17, L. 62-66);
- d. retrieve data based on the request (Col. 17, L. 48-66); and
- e. transmit the result to the requesting user or process (Col. 17, L. 62-66)

56. Claims 19, 20 list all the same elements of claims 5, 6, but in system form rather than method form. Therefore, the supporting rationale of the rejection to claims 5, 6 applies equally as well to claims 19, 20.

57. Regarding claim 29, Ozzie teaches a system for operating a computing device, the device adapted to support the interaction of a plurality of other computing devices, who are otherwise communicating with each other directly over a network, the system including a data storage means for storing data related to the role and its

implementation (Col. 17, L. 43-50); and a data processing system coupled to said data storage means and adapted to:

- a. establish contact with a plurality of computing devices which are to be the supported (Col. 17, L. 46-48); and
- b. provide said support (Col. 17, L. 58-62).

58. Regarding claim 30, Ozzie teaches a method as claimed in claim 4 wherein the role corresponds to the super-peer being a witness to a transaction (Col. 17, L. 5-22).

59. Regarding claim 31, Ozzie teaches a method as claimed in claim 10 wherein role corresponds to the super-peer performing joint or jury-peering in relation to a transaction (Col. 17, L. 5-22 and Col.22, L. 35-54).

60. Regarding claim 32, Ozzie teaches a method as claimed in claim 14 wherein the peers perform cooperative peering thereby allowing a jury function to be performed by the one or more peers in relation to a transaction (Col. 17, L. 5-22 and Col.22, L. 35-54).

61. Regarding claim 33, Ozzie teaches a method as claimed in any of claims 30 to 32 wherein the transaction corresponds to a sale, swap, auction, bid, exchange, distribution of information or other transaction which is amenable to supervision, authorization or validation, distribution or the like (Col. 22, L. 50-52).

Art Unit: 2143

62. Regarding claim 34, Ozzie teaches a method as claimed in claim 4 wherein the stored data corresponds to links to other peers (Col. 17, L. 48-57 and L. 59-66).

Claim Rejections - 35 USC § 103

63. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

64. Claims 8-9, 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ozzie et al. (Ozzie) (US 6,640,241 131) as applied to claim 2 above, and further in view of Dani et al. (Dani) (US 6,763,372 B1).

65. Regarding claim 8, Ozzie fails to teach the role is to assign one or more operations to one or more other peers. However, Ozzie teaches the presence server informs a peer unit C offline, a message whose another unit A wants to send to C will be send to a relay which is a file server in peer-to-peer network, and then forwarding message until C returns online. It can be interpreted that the relay is another peer, and if offline event occurs, sending message and forwarding it until the unit peer returns online will be assigned to the relay (Col. 17, L. 14-22), such suggestion would motivate one ordinary skilled in the art to seek a practical and effective way of doing so. Dani teaches

Art Unit: 2143

the method according to claim 8, wherein the role is to assign one or more operations to one or more other peers, where the assignment role includes the steps of:

a. the super-peer deciding that a peer is required to perform an operation (Dani teaches the directory service server dispatch the request to a chat server cluster to perform a new chatroom) (Col. 6, L. 18-23);

b. selecting a peer from a list of available peers (Dani teaches the directory service server select one of chat server from a list of 4 cluster servers (42a-42d)) (Col. 6, L. , L. 18-23);

c. retrieving details of the selected peer (Dani teaches the directory service server evaluates the loads carried by the chat servers of the cluster for determining the selected chat server. It can be interpreted as the directory service server get load information of the selected chat server) (Col. 6, L. 64 - Col. 7, L. 5); and

d. instructing the selected peer to perform the operation (Col. 6, L. 23-39). Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated selecting a chat cluster sever, collecting its information and determining this server to perform the operation for user's request, as suggested by Dani, in method and apparatus for activity based collaboration by a computer system equipped with a communications manager of Ozzie, in which predicting the load presented by new users connecting to new and existing channels of a sever cluster/ peer and using the predicted load for balancing and distributing users among the servers/ peers of the server cluster.

66. Regarding claim 9, Ozzie fails to teach assessing the peers and recording the assessment. However, Ozzie teaches the presence server informs a peer unit C offline, a message whose another unit A wants to send to C will be sent to a relay which is a file server in peer-to-peer network, and then forwarding message until C returns online. It can be interpreted that the relay is an only available peer (Col. 17, L. 14-22), such suggestion would motivate one ordinary skilled in the art to seek a practical and effective way of doing so. Dani teaches the method according to claim 9, including the further steps of: a. assessing the peers in the list of available peers (Col. 6, L.20-23); and b. recording the assessment (Col. 6, L. 10-17 and Col. 7, L. 2-5). Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated determining and collecting chat servers in the cluster, and collecting their present loads and future load estimations, as suggested by Dani, in method and apparatus for activity based collaboration by a computer system equipped with a communications manager of Ozzie, in order for the directory service server easily dispatch and select which chat server is best to accept request according to their respective workloads.

67. Claims 21-22 list all the same elements of claims 8-9 but in system form rather than method form. Therefore, the supporting rationale of the rejection to claims 8-9 applies equally as well to claims 21-22.

68. Claims 10-12, 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ozzie et al. (Ozzie) (US 6,640,241 131) as applied to claim 2 above, and further in view of Horman (Horman) (US 6,785,706 B1).

69. Regarding claim 10, Ozzie teaches the method according to claim 10, wherein the role is to share the performance of an operation with one or more other peers and wherein the sharing role includes the steps of:

a. the super-peer receiving notification that a peering relationship is required, a peering relationship being a method of operating with one or more other peers so as to share the performance of an operation (Ozzie teaches the presence server informs a peer unit C offline, a message whose another unit A wants to send to C will be send to a relay which is a file server in peer-to-peer network, and then forwarding message until C returns online. It can be interpreted that the presence server notifies that the relay server is needed to perform forwarding peer A's message until peer C returns online. Thus, the relay server can be interpreted as available peer need to share the performance of the operation) (Col. 17, L. 14-22 and Col. 11, L. 13-20);

b, determining the identity of one or more siblings required to implement the peering relationship, siblings being the other peers who share in the performance of the operation (Ozzie teaches determining the relay server need to share in the performance of transmitting message from peer A to peer C) (Col. 17, L. 14-22);

c. establishing the peering relationship with the one or more siblings (Ozzie teaches the presence server informs whether the intended destination is online or offline. If it is

Art Unit: 2143

offline, the communications can be made via a relay server. It can be interpreted as relationship between the presence server, the relay and the device status online/offline) (Col. 16, L. 64 - Col. 17, L. 4);

d. Ozzie fails to teach maintaining synchronization between the presence server and the relay. However, Ozzie teaches a telespace is kept in synchrony between a user's device and other people's devices. It can be interpreted as maintaining synchronization between user's device and the presence server or the relay. Such suggestion would motivate one ordinary skilled in the art to seek a practical and effective way of doing so. Horman teaches maintaining synchronization between the super-peer and the siblings (Col. 6, L. 11-17);

Thus, it would have been obvious to have synchronization between administered servers that belong to its group, as suggested of Horman, in method and apparatus for activity based collaboration by a computer system equipped with a communications manager of Ozzie, in order improvement data processing system.

e. securing replacement siblings as required (Ozzie teaches if the destination is offline, the Internet will conclude that the transmission needs to be made via the relay. In addition, if the destination requires the transmission traverse a firewall into a secured network, the relay will be authorized) (Col. 22, L. 35-52); and

f. Ozzie fails to teach creating new server as required. However, Ozzie teaches if the destination is offline, the Internet will conclude that the transmission needs to be made via the relay. Concluding the relay server is need can be interpreted as creating new relay server as required (Col. 22, L. 35-38). At the time the invention was made, it would

have been obvious to one of ordinary skill in the art to add server availability in order to complete the performance of operations.

70. Regarding claim 11, Ozzie fails to teach the synchronization steps which include handling a request, transmitting the request to another server or all servers. However, Ozzie teaches the management steps for transmitting message from one peer to another. If the destination peer is informed online, the source peer can send message to destination peer. However, if the destination peer is informed offline, the source peer need to send message to the relay, and the relay will forward it whenever the destination returns online. Such suggestion would motivate one ordinary skilled in the art to seek a practical and effective way of doing so. Horman teaches the method according to claim 11, wherein the synchronization step includes the steps of:

- a. handling a request related to the operation if it does not affect the state of the operation around which the peering relationship is established (Col. 6, L. 6-17);
- b. transmitting the request to a sibling, if the super-peer is unable to handle the request (Col. 6, L. 57-Col. 7, L. 2 and Col. 7, L. 15-23); and
- c. transmitting the request to all siblings, if the request does affect the state of the operation around which the peering relationship is established (,Col. 7, L. 37-52).

Thus, it would have been obvious to have the synchronization steps between administered servers that belong to its group, as suggested of Horman, in method and apparatus for activity based collaboration by a computer system equipped with a communications manager of Ozzie, in order improvement data processing system.

71. Regarding claim 12, Ozzie fails to teach the synchronization steps which include confirming that all servers receive the same request and handling it independently. However, Ozzie teaches the management steps for transmitting message from one peer to another. If the destination peer is informed online, the source peer can send message to destination peer. However, if the destination peer is informed offline, the source peer need to send message to the relay, and the relay will forward it whenever the destination returns online. It can be interpreted as both the presence server and the relay server receive and perform the request for transmitting the message from one peer to another. In addition, they are handling the request independently such as the presence server handles the status of destination device and the relay handles forwarding message to the destination when it returns online. Such suggestion would motivate one ordinary skilled in the art to seek a practical and effective way of doing so. Horman teaches the method according to claim 12, wherein the synchronization step includes the steps of:

- a. confirming that all siblings have received the same request, before handling a request related to the operation that relates to the operation around which the peering relationship is established (Col. 6, L. 6-17 and L. 37-43); and
- b. handling the request independently, if there is confirmation (Col. 6, L. 9-17).

Thus, it would have been obvious to have the synchronization steps between administered servers that belong to its group, as suggested of Horman, in method and

Art Unit: 2143

apparatus for activity based collaboration by a computer system equipped with a communications manager of Ozzie, in order improvement data processing system.

36. Claims 23-25 list all the same elements of claims 10-12 but in system form rather than method form. Therefore, the supporting rationale of the rejection to claims 10-12 applies equally as well to claims 23-25.

72. Claims 14, 15, 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ozzie et al. (Ozzie) (US 6,640,241 131) as applied to claims 2, 17 above, and further in view of Shwed et al. (Shwed) (US 5,835,726).

38. Regarding claim 14, Ozzie fails to teach the relay server receives a message from a peer who is unable to access the network. However, Ozzie teaches the authorization can be obtained via the firewall module of the relay (Col. 22, L. 52-54). Such suggestion would motivate one ordinary skilled in the art to seek a practical and effective way of doing so. Shwed teaches the method according to claim 14, wherein the role is to provide to users not able to access the network with an interface to the network, where the interfacing role includes the steps of:

- a. the super-peer receiving instructions from a user who is unable to access the network, wherein the instructions are received independently of the network (abstract, Col. 14, L. 25-Col. 15, L. 11);
- b. executing the instructions (Col. 14, L. 25-Col. 15, L. 11);
- c. obtaining the results of the execution (Col. 14, L. 25-Col. 15, L. 11); and

Art Unit: 2143

d. transmitting the results to the user, wherein the results are transmitted independently of the network (Col. 14, L. 25-Col. 15, L. 11).

Thus, it would have been obvious to have a host receives a packet from another host. It executes the packet, and then transmits the results to the another host, as suggested of Shwed, in method and apparatus for activity based collaboration by a computer system equipped with a communications manager of Ozzie, in order having full advantage of controlling information flow on the network from/to external and internal destinations.

73. Regarding claim 15, Ozzie fails to teach retrieving user data and modifying the result base on the user data. However, However, Ozzie teaches the destination requires the transmission traverse a firewall into a secured network. The authorization can be obtained via the firewall module of the relay. (Col. 22, L. 52-54). Such suggestion would motivate one ordinary skilled in the art to seek a practical and effective way of doing so. Shwed teaches the method according to claim 15, including the further steps of:

- a. retrieving user specific data (Col. 14, L. 25-Col. 15, L. 11); and
- b. modifying the instructions based on the user specific data (Col. 14, L. 25-Col. 15, L. 11).

Thus, it would have been obvious to have a host receives a packet from another host. It decrypts the packet, and then modifies the packet base on the another host's address, as suggested of Shwed, in method and apparatus for activity based collaboration by a computer system equipped with a communications manager of

Art Unit: 2143

Ozzie, in order having full advantage of controlling information flow on the network from/to external and internal destinations.

74. Claims 26, 27 list all the same elements of claims 14, 15, but in system form rather than method form. Therefore, the supporting rationale of the rejection to claims 14, 15 applies equally as well to claims 26, 27.

41. Regarding claim 28, Ozzie fails to teach retrieving user data and modifying the result base on the user data. However, However, Ozzie teaches the destination requires the transmission traverse a firewall into a secured network. The authorization can be obtained via the firewall module of the relay. (Col. 22, L. 52-54). Such suggestion would motivate one ordinary skilled in the art to seek a practical and effective way of doing so. Shwed teaches the system according to claim 28, wherein the data processing system is further adapted to:

- a. retrieve user specific data (Col. 14, L. 25-Col. 15, L. 11); and
- b. modify the results based on the user specific data (Col. 14, L. 25-Col. 15, L. 11).

Thus, it would have been obvious to have a host receives a packet from another host. It decrypts the packet, and then modifies the packet base on the another host's address, as suggested of Shwed, in method and apparatus for activity based collaboration by a computer system equipped with a communications manager of

Ozzie, in order having full advantage of controlling information flow on the network from/to external and internal destinations.

75. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ozzie et al. (Ozzie) (US 6,640,241 1311) as applied to claim 2 above, and further in view of Lehmann-Haupt et al. (Lehmann-Haupt) (US 2002!0107786 A1).

76. Regarding claim 35, Ozzie fails to teach a network has statistical attributes which indicate characteristics of the link such as usability or popularity. However, Ozzie teaches the network has updating status online/offline of devices which indicate of the usability. Lehmann-Haupt teaches a method as claimed in claim 35 wherein the links constitute a neural network having statistical attributes which indicate characteristics of the link such as usability, popularity or the like (Col. 2, paragraph [018]-[022]).

Thus, it would have been obvious to have a statistical attributes that indicate characteristic of popularity, as suggested of Lehmann-Haupt, in method and apparatus for activity based collaboration by a computer system equipped with a communications manager of Ozzie, in order having advantage of existing business relationships among parties in a network of computers.

Response to Arguments

77. Applicant's arguments filed 5/6/2005 have been fully considered but they are not persuasive.

Art Unit: 2143

discloses a computing device wherein said device is adapted to perform a supervisory and/or supporting role in relation to peers in a peer-to-peer network, the method including the steps of: a. the computing device establishing contact with a plurality of peers which are to be the subject of the supervision and/or support role (Col. 17, L. 46-48); and b. providing said supervision and/or support (Col. 17, L. 58-62).

Conclusion

79. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 2143

80. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey C. Pwu whose telephone number is 571-272-6798.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



9/24/05
JEFFREY PWU
PRIMARY EXAMINER